

07.07.2022
cm/ct 28
sl no. 10

C.R.M. (NDPS) No. 748 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Kaliachak P.S Case No. 255 of 2022** dated **10.03.2022** under Sections **21 (c)/27A/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Sahibar Ali & Ors.

..... petitioners

Mr. Mazhar Hossain Chowdhury
Mr. Ali Ahsan Alamgir
Ms. Mobashshara Alam

..... for the petitioners

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Dipankar Paramanick
Ms. Snigdha Saha

..... for the State

Petitioners are in custody for 30 days. It is contended that co-accused has been granted bail. It is further contended that no narcotic substance was recovered from the petitioner.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record and keeping in mind the nature of allegations and the extent of complicity of the petitioners in the alleged crime in the light of the submission that no narcotic substance was recovered from their possession and as their complicity in the alleged offence has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioners have been able to rebut the statutory restrictions under section 37 of the NDPS Act, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Malda on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM(NDPS) No. 748 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)